

R E M A R K S

In response to the Office Action dated 5-23-06, applicant now refers back to and proceeds from the amended claims dated 10/6/2005, as required by the Action.

Claims 43-45 are new, and correspond to claims 7, 11, 23, these believed to be allowable, in view of discussion with Examiner and their clear and unobvious difference from the cited art. Claim 46 is like claim 14 but adds the element e) of claim 45, and is also believed and urged to be allowable.

All added (new) claims are believed and urged to be within the elected species.

Claim 1, as now amended includes:

- d) and including said bat and having a handle spaced endwise from the sleeve, the entirety of said retention means located endwise between said handle and the entirety of said weight means,
- e) the sleeve radially and annularly embracing the weight means and the retention means at locations between which the sleeve extends lengthwise continuously and annularly.

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Claim 35 is similarly amended. No cited art suggests the totality of these claims, since for example, Otten needs lengthwise straps as at 40a, 40b and 40c, which concentrate the centrifugal force (during swinging) at annularly spaced apart strap sections, loading them excessively and increasing the risk of breakage. Applicant's structure as in c) above avoids this problem and danger. New base claim 47 contain corresponding structure.

The reference Hart 5,980,397 cited in S.N.10/393,697 is urged not to be suggestive of claim 1. In Hart, the weights at 17 are adjacent to anti-slip middle fabric 6, and to straps 12 and 19 so that pulling forces exerted by the weights 17, for example, in an upward direction in Figure 3, are not distributed to upper end straps 9, or well distributed to those straps.

Thus, in Hart the substantial entirety of the retention straps are not located between the bat handle and the weight or weights, because the example straps 9 are not located between weights 12 and the handle, but are rather located at the opposite side of those weights (the ball striking side).

Accordingly, these base claims and all claims dependent there from are believed and urged to be allowable.

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Claim 42 is now amended so as to be clearly unobviously differentiated from cited prior art. New claim 48 in its totality is believed to clearly differentiate from all cited art, along with dependent claims 49 and 50.

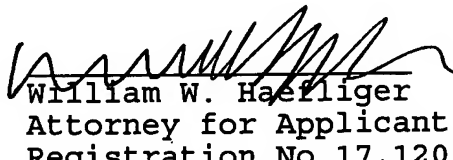
Accordingly all claims are believed and urged to be allowable.

Enclosed is a Terminal Disclaimer document, intended to overcome any non-statutory double patenting issue.

The file available to counsel does not indicate, at this stage, any objection to the specification, drawings, or any '112 issues. This includes Actions dated 4-23-04; 9-1-05; 2-17-06; and 5-23-06. A call to counsel regarding this is urged, if it remains an issue.

Please charge any excess fee to Account No. 08-0118.

Respectfully submitted,


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